

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ERIC LEE ROBERTS,

Plaintiff,

v.

Civil Action No. 2:14-16545

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on August 24, 2015; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this action from the docket of the court; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

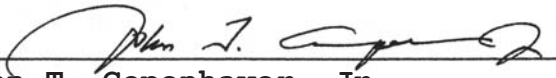
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and hereby are, adopted by the court and incorporated herein;

2. The decision of the Commissioner be, and hereby is, reversed;

3. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), which proceedings shall include a weighing of the disability rating decision of the Department of Veteran's Affairs pursuant to Bird v. Commissioner of Social Sec. Admin., 699 F.3d 337, 343 (4th Cir. 2012). If the ALJ still concludes that the Department of Veteran's Affairs disability rating decision should not be given "significant weight" he/she shall provide a specific and detailed rationale for the adverse decision, all as discussed in the magistrate judge's Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: September 17, 2015



John T. Copenhaver, Jr.
United States District Judge